

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT TENNESSEE
WESTERN DIVISION

FILED BY *JSH* D.C.
05 OCT 12 PM 3:02

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 02-20473-D

ANDRE ROBY,

Defendant.

~~THOMAS H. GOULD
CLERK U.S. DISTRICT COURT
W.D. OF TENNESSEE~~

THOMAS H. GOULD
CLERK U.S. DISTRICT COURT
W.D. OF TENNESSEE

05 NOV -2 PM 1:26

FILED BY *[Signature]* D.C.

MOTION OF DEFENDANT ANDRE ROBY
FOR CONTINUANCE OF SUPERVISED RELEASE VIOLATION HEARING

Comes Now the Defendant, Andre Roby, by and through counsel Marty B. McAfee, and moves this honorable court for a continuance of the detention hearing in this matter. In support of this motion the defendant would show unto the court as follows:

1. Counsel was recently appointed to represent Mr. Roby.
2. This matter is currently scheduled for supervised release violation hearing on October 20, 2005.
3. Counsel began a First Degree Murder trial in Jackson, Tennessee on October 11, 2005.
4. Counsel has prior family obligations and will be out of town from October 16, 2005, to October 23, 2005.
5. Counsel for this defendant has consulted with Assistant United State's Attorney Scott Leary, and he has no opposition to a continuance of this matter.

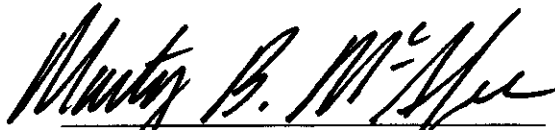
MOTION GRANTED
DATE: *10-20-2005*
[Signature]
BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

241

6. Defendant does not object to the time being excluded pursuant Title 18
U.S.C. § 3161(h)(8).

WHEREFORE, PREMISES CONSIDERED, this defendant respectfully requests
that he be granted a continuance of this supervised release violation hearing.

Respectfully submitted,


Marty B. McAfee #18113
246 Adams Avenue
Memphis, TN 38103
901-328-7000
Attorney for Defendant
Andre Roby

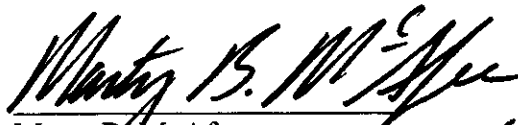
by Charles Mitchell
23789

Certificate of Consultation

COMES NOW, Marty B. McAfee, counsel for the defendant, Andre Roby,
and advises the Court that he has conferred with opposing counsel, Assistant United
States Attorney Scott Leary, regarding Defendant's Motion to Continue Supervised
Release Violation Hearing, and he has no opposition to this motion.

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of the foregoing
document has been served upon all concerned parties, via hand-delivery or by placing the
same in the United States mail, postage pre-paid this 12 day of October, 2005.


Marty B. McAfee
by Charles Mitchell
23789



Notice of Distribution

This notice confirms a copy of the document docketed as number 241 in case 2:02-CR-20473 was distributed by fax, mail, or direct printing on November 2, 2005 to the parties listed.

Marty B. McAfee
MCAFEE & MCAFEE
246 Adams Ave.
Memphis, TN 38103

Scott F. Leary
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable Bernice McCalla Donald
US DISTRICT COURT